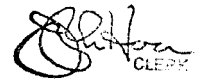


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

FILED  
SEP - 8 2006  
  
CLERK

\*\*\*\*\*  
\*  
UNITED STATES OF AMERICA, \* CR. 05-30121  
\*  
Plaintiff, \*  
\*  
-VS- \* REPORT AND RECOMMENDATION  
\* FOR DISPOSITION OF DEFENDANT'S  
PASCAL L. TWO ELK, \* MOTION TO SUPPRESS  
\*  
Defendant. \*  
\*\*\*\*\*

Defendant, Pascal L. Two Elk, has filed a Motion to Suppress, Docket No. 14. Because Defendant's Motion is a dispositive one, this Court is only authorized to determine the same on a report and recommendation basis. See 28 U.S.C. §636(b)(1). Based on the findings, authorities and legal discussion made on the record at the September 7, 2006 hearing, the Court hereby

RECOMMENDS that Defendant's Motion be granted in part and denied in part. The Motion should be granted to the extent that it seeks to suppress the fact that Defendant took a polygraph examination and either failed or was deceptive in his responses during the same; in all other respects, Defendant's Motion should be denied.


Dated this 7<sup>th</sup> day of September, 2006, at Pierre, South Dakota.

**BY THE COURT:**



**MARK A. MORENO**  
**UNITED STATES MAGISTRATE JUDGE**

**ATTEST:**  
**JOSEPH HAAS, CLERK**

**BY:**   
**Deputy**

**(SEAL)**

**NOTICE**

Failure to file written objections to the within and foregoing Report and Recommendations for Disposition within ten (10) days from the date of service shall bar an aggrieved party from attacking such Report and Recommendations before the assigned United States District Judge. See 28 U.S.C. § 636(b)(1).